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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,920	06/08/2005	Kenichiro Aridome	SON-3124	6735

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EXAMINER	
DAZENSKI, MARC A	

ART UNIT	PAPER NUMBER
2621	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/537,920	ARIDOME ET AL.	
	Examiner	Art Unit	
	MARC DAZENSKI	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 May 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *1-8* is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☒ Claim(s) *9 and 10* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *08 June 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 21 May 2009 have been fully considered but they are not persuasive (in regards to claims 9 and 10).

On page 9 of the remarks, Applicant points to paragraphs [0030] and [0065] "for a full disclosure and explanation of a computer program product." Further, Applicant states that the two paragraphs "clearly describe examples of a memory storing the program that is executed by a processor to carry out the described functionality." The examiner would first like to point out that the word “product,” let alone the phrase “computer program product,” does not appear anywhere in the specification, and therefore maintains his original objection to claims 9-10.

Second, after reading the cited section of the specification pointed to be the Applicant (i.e., paragraphs [0030] and [0065]), the examiner notes that there is still no mention of a "computer program product." The cited paragraphs disclose "programs may be stored in one of the ROM (520) and RAM (530)," as well as, "the ROM (520) stores a program executed by a processor (510)," but there is no mention of a specific computer program product. Rather, there is only a disclosure of a computer-readable memory (in the form of a ROM or RAM) that stores a program. This does not preclude the scenario in which the claimed "computer program product" is a signal that is previously downloaded and stored in the memory, as it is not clear as to how/if the claimed "computer program product" is distributed or downloaded through some

communication means, or whether it is tangibly embodied in a physical recording medium.

Still further, Applicant argues on page 9: "paragraphs [0030] and [0065] clearly describe examples of a memory storing a program…" The examiner maintains that a careful reading of claims 9-10 show that the claimed "computer program product" is what causes a computer to perform the steps of the claimed record control method, and therefore the computer program product must be an actual program (in other words, the claimed "computer program product" cannot be the disclosed "examples of a memory" as pointed to by the Applicant, because the disclosed ROM and RAM only *store* the program but in and of themselves do not *cause* the steps of the record control method to be undertaken).

In view of the above arguments, the examiner maintains his original objection to claims 9 and 10.

Claim Objections

Claims 9-10 are objected to because of the following informalities: there is no support for a "computer program product" in the specification (see explanation above under 'Response to Arguments'). Appropriate correction is required.

Allowable Subject Matter

Claims 1-8 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Applicant's independent **claim 1** is drawn to a record control apparatus comprising: a buffer for storing moving image data belonging to a chapter, storage size detecting means for detecting that the moving image data stored in the buffer increases in size beyond a first size which is a size of a moving image object other than a final moving image object and then reaches a second size which is a size of a moving image object for a seamless connection, final data detecting means for detecting that a final moving image data belonging to the chapter is stored in the buffer, and moving image object output means for retrieving a portion of the moving image data, stored in the buffer, corresponding to the first size from the head of the moving image data, and outputting the portion of the moving image data as the moving image object if it is detected that the moving image data stored in the buffer reaches the second size over the first size, and retrieving a whole moving image data stored in the buffer and outputting the retrieved moving image data as a moving image object if it is detected that the final moving image data belonging to the chapter is stored in the buffer.

Applicant's **claim 1** comprises a particular combination which is neither taught nor suggested by the prior art. The closest prior art of record, Ogino (US Patent 5,633,976), differs from the claimed invention by not teaching or fairly suggesting storage size detecting means for detecting that the moving image data stored in the buffer… reaches a second size which is a size of a moving image object for a seamless connection, as well as retrieving a whole moving image data stored in the buffer and

outputting the retrieved moving image data as a moving image object if it is detected that the final moving image data belonging to the chapter is stored in the buffer.

Applicant's independent **claims 6-8** each disclose similar limitations as those in claim 1, and are therefore found allowable in view of the explanation set forth in claim 1 above.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yamane et al (US Patent 6,393,196) discloses multimedia stream generating method enabling alternative reproduction of video data, and a multimedia optical disk authoring system.

Okada et al (US Patent 5,754,241) discloses video decoder capable of controlling encoded video data.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARC DAZENSKI whose telephone number is (571)270-5577. The examiner can normally be reached on M-F, 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571)272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/
Supervisory Patent Examiner, Art Unit 2621

/MARC DAZENSKI/
Examiner, Art Unit 2621